



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James A. Turner et al.
U.S. Serial No. : 10/783,963
Filed : February 20, 2004
Title : MASKED IMAGE PROJECTION SYSTEM AND METHOD
Group Art Unit : 2851
Examiner : Melissa J. Koval

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Name of Applicant, Assignee
or Registered Representative

Signature

August 18, 2005
Date of Signature

Commissioner for Patents
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the restriction requirement dated July 18, 2005.

1. Election

Insofar as the restriction is understood, applicant provisionally elects the largest group of claims that contains claims 1 to 31, i.e., the broader claims covering systems with one or more masks, with traverse. This may mean election of Embodiment 1 or 3, depending on the intent of the restriction, as set out below.

Restriction here is not clearly understood, as it is defined by "embodiments" and not groups of claims.

Embodiment 1 is a system with one mask, and Claims 1 to 31 read on Embodiment 1.

Embodiment 2 is an exemplary projector arrangement used in the system and does not show

any mask, so probably no claims are directed to this embodiment *per se*. Embodiment 3 is a system with two masks, which is a variant of Embodiment 1, and **all** claims read on Embodiment 3.

A first understanding of the restriction requirement

If the Examiner is expressing a restriction to two groups of broader and narrower claims, i.e., of:

Group 1, broad claims covering systems with one or more masks (e.g., *either* Embodiment 1 or 3) claims 1 to 31, and

Group 2, narrower claims covering only systems with two or more masks (Embodiment 3, claims 32 to 37);

then applicant elects Group 1 with traverse.

A second understanding of the restriction requirement

If, on the other hand, the Examiner is restricting to groups covering the different embodiments, i.e., of

Group 1, claims covering Embodiment 1, a system with one mask (claims 1 to 31), and

Group 2, claims covering Embodiment 2, a system with two masks (all claims);

then applicant elects Group 2, all claims.

2. Traverse of first understood restriction

If the first understanding is the intent of the Examiner, applicant traverses the restriction.

MPEP § 806.03 provides:

Single Embodiment, Claims Defining Same Essential Features

Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, **restriction therebetween should never be required**. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition. [emphasis added]

The disclosed two-mask system embodiment supports broad claims reciting a system comprising one mask, since this would embrace a system with one or more masks, and also narrower claims reciting two or more masks. All claims in this application are therefore supported by the single embodiment of a two-mask system, Embodiment 3. Pursuant to MPEP § 806.03, restriction should therefore not be required here.

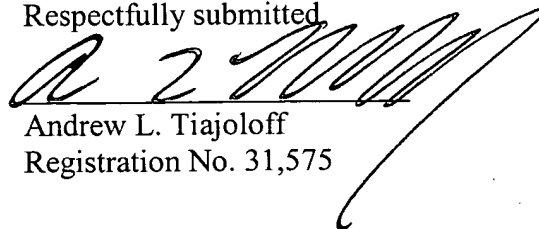
As to the second possible interpretation of the restriction, it is seen as unnecessary, and is believed improper on those grounds, since one group is all claims, and the restriction would not reduce the burden on the Examiner to search all claimed subject matter..

Withdrawal of the restriction requirement is therefore respectfully requested.

Should any questions arise, the Patent Office is invited to telephone attorney for applicants at 212-490-3285.

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Respectfully submitted



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